

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MARGARET GARDNER MACPHAIL

Application No. 10/042,107

MAILED

NOV 30 2006

PAT & TM OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on November 16, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below:

On May 24, 2006, appellant filed an Appeal Brief. A review of the file reveals that claims 9 and 33 in the appendix of the Appeal Brief are not consistent as amended in the Amendment filed on September 7, 2004. Appropriate correction required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) for correction of the Appendix; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: G. Edge for Dale Shaw
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